

DECLARATION AND POWER OF ATTORNEY

We, the below named inventors, hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our respective names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled DYNAMICALLY TUNABLE PHOTONIC BANDGAP MICROCAVITY WAVEGUIDES VIA MECHANICAL LATTICE CONTROL, the specification of which was filed in the U.S. Patent Office on July 15, 2003 as Serial No. 10/620,072. This application is a continuation-in-part of still-pending United States Patent Application Serial No. 10/619,203 filed July 14, 2003, which claims priority under 35 USC §119(e) from United States Provisional Patent Applications Serial Nos. 60/395,926 and 60/467,854, filed July 15, 2002 and May 5, 2003.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We hereby claim the benefit under Title 35, United States Code, §120, of United States Patent Application Serial No. 10/619,203, filed July 14, 2003, and insofar as the subject matter of each of the claims of this application is not disclosed in that prior application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the date of filing this application.

We hereby declare that all statements are made hereby of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And we hereby appoint:

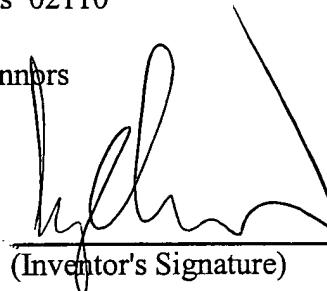
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all of the firm of Samuels, Gauthier, Stevens & Reppert, our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We request that all correspondence be directed to:

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